

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman John Edmonds at 1:30 P.M. on February 21, 2005 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Athena Andaya, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Mary Torrence, Revisor of Statutes Office
Carol Doel, Committee Secretary

Conferees:

Craig Weinaug - County Administrator Douglas County
Ed Taylor - County Commissioner Franklin County
Judy Moler - Kansas Association of Counties
Mike Davis - Miami County Supervisor of Code Enforcement

Others attending: See attached list

Chairman Edmonds called the meeting to order and opened the floor for any bill introductions.

Representative Colloton requested a concurrent resolution concerning the endorsement of the participation of Taiwan in the World Health Organization which is a resolution that has been approved by the Kansas Department of Commerce. It has been passed in several Midwest states.

Without objection, the Chair accepted the resolution for introduction.

There were no further bill introductions and Chairman Edmonds opened the floor for public hearing on **HB 2309** which authorizes counties with populations greater than 150,000 to have a formal code enforcement process.

The Chair recognized Craig Weinaug, County Administrator, Douglas County, who supports **HB 2309** stating that the bill changes the minimum population threshold for creating a code court from 150,000 to 100,000. The effect of this change would be to make the creation of a code court an option for the five largest counties in the state, instead of just the four largest counties. He further related that the courts have time to deal only with the most serious code violations, therefore they would like the County Commission to be authorized by the statutes to create a codes court.

(Attachment 1)

Former Chairman of the Board of Franklin County Commissioners, John Taylor, delivered testimony supporting **HB 2309** asking that the bill be amended to include Franklin County. This would make the enforcement of their codes easier, will save the county money and will better protect the citizens' property rights. (Attachment 2)

Also delivering testimony in support of **HB 2309** was Judy Moler, General Counsel/Legislative Services Director for the Kansas Association of Counties. Ms. Moler related that currently all the counties with a lower population than 150,000 enforce county codes through the already beleaguered district court. Cases involving murder, burglary and such take priority in district court and the code cases fall to the bottom of the docket. With the passing of this bill, there could be expedition of hearings for those found in violation of county codes.

(Attachment 3)

Mike Davis, Supervisor of Code Enforcement of Miami County, addressed the committee in support of **HB 2309**. In his testimony, Mr. Davis stated that people are building new homes that are worth considerable money and when they come into the communities where there are code problems, it devalues those new homes and these people are coming there with higher expectations than the county can provide. With the passage of this bill they would be able to process code problem claims faster and more effectively. (No Testimony)

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on February 21, 2005 in Room 313-S of the Capitol.

Also presented in support of **HB 2309** was a letter written by Representative Sloan and also signed by Representative Davis, Representative Ballard, Representative Brown, and Representative Holland which explained that the bill does not require formation of a code enforcement process, it merely provides authorization of such a process if county officials determine such action to be appropriate. This legislation is specific to the County requesting authorization, and no costs will be paid by the state. (Attachment 4)

Chairman Edmonds asked for a motion to adopt the minutes from January 20, 25, 26, 27, and February 2, 2005

Representative Dillmore made a motion that the minutes of January 20, 25, 26, 27 and February 2, 2005 be adopted as read. Representative Cox seconded the motion. Vote was taken and minutes were adopted.

With no further business before the committee, Chairman Edmonds adjourned the meeting.

Testimony of Craig Weinaug, Douglas County Administrator
On HB 2809
Before the House Committee on Federal and State Affairs
Monday, February 21, 2005 at 1:30 PM
Room 313 South of the Capitol

House Committee on Federal and State Affairs
John Edmonds, Chairman

Ladies and Gentlemen:

HB 2809 makes one very simple change to the statutes, so I will try not to complicate it. KSA 2004 Supp. 19-101 provides authority for the county commissioners of any county with a population exceeding 150,000, to create a county code court. This statute does not mandate the creation of a code court. Whenever a county decides to create such a court, the full cost of operating the court is borne by the county, not the state.

HB 2809 changes the minimum population threshold for creating a code court from 150,000 to 100,000. The effect of this change would be to make the creation of a code court an option for the five largest counties in the state, instead of just the four largest counties.

Douglas County is a growing county, and our county commissioners have given a high priority to the enforcement of our building codes, zoning codes, environmental regulations, including those dealing with illegal dump sites and junk cars, and other similar codes. Enforcement of these types of regulations often has to receive a low priority in the regular district court system, as the courts face an ever-increasing criminal and civil caseload.

Both our enforcement staff and many of our citizens know that the courts have time to deal only with the most serious code violations, and those that are addressed by the courts, are resolved over a significant length of time. As a direct result, our enforcement of these types of regulations is not as consistent, or as effective as we would like. Hence the County Commission would like to be authorized by the statutes to create a codes court, as a tool to address this issue.

FEDERAL AND STATE AFFAIRS

Date 2-21-05

Attachment 1

BOARD OF
COMMISSIONERS

DONALD E. WAYMIRE
First District

JOHN E. TAYLOR
Second District

ROY DUNN
Third District



FRANKLIN COUNTY
COMMISSIONERS

315 S. Main
Ottawa, KS. 66067
Phone 785-229-3410
Fax 785-229-3419

BOARD OF
COMMISSIONERS

DONALD C. HAY
Fourth District

DONALD R. STOTTLEMIRE
Fifth District

February 21, 2005

Testimony Before House Federal and State Affairs Committee

Mr. Chairman and Honorable Members of the Committee:

I am Ed Taylor former Chairman of the Board of County Commissioners of Franklin County, Kansas. I am here to speak before you today in support of HB 2309, and to encourage you to amend that bill to include Franklin County. HB 2309 will make enforcement of our codes easier, will save our county money and will better protect our citizens' property rights.

In my county I have seen first hand the need for a speedier and more efficient process for enforcing our county codes. Currently, we must have our County Counselor file a civil suit under a theory of nuisance. These cases can drag on for six months or more and require several appearances by our attorney and our planning staff. One recent case that involved a mobile home being set on a commercial property took over 40 attorney hours and 20 man-hours of planning staff time. With those figures the cost of this simple code enforcement action was more than \$6,000.00. Under the current statutes we are left with the distressing choice of enforcing our codes and spending far too much, or saving taxpayer dollars while the zoning codes sit unenforceable.

Our county government is not the only entity that suffers without a codes court. The citizens of Franklin County suffer as well. Properties filled with trash and scrap, dilapidated homes, and malfunctioning septic systems don't just offend the eye. These nuisances constitute very real threats to the public health and safety, and they can severely reduce the value of surrounding properties. In a recent case in my county, a family had created their own toxic dump. They lived in several dilapidated mobile homes daisy chained with electrical extension cords for power. They dug holes in the yard for bathrooms, and stockpiled waste so toxic it left the dirt blue. It took a team effort between Franklin County and KDHE to clean up this site after one of the family members died in a fire. Meanwhile, the citizens around this area were subjected to the hazards of leaching waste, suffered a reduction in their property's value and to add insult to injury were asked to help spend their tax dollars to clean up the site. How different might the result have been if Franklin County could have availed itself of a codes court early on in creation of this nuisance?

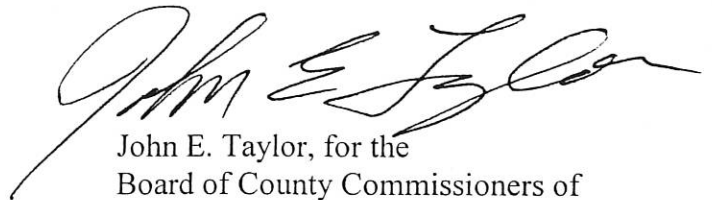
FEDERAL AND STATE AFFAIRS

Date 2-21-05

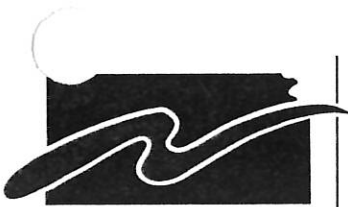
Attachment 2

While some might argue that a codes court might divert too much time from the district court's docket, I would respectfully disagree. Under the current system, our attorney must file a petition, affidavit, motion for temporary injunction, and appear before the judge at least three times before a trial can even be had on the merits of the case. With a codes court pleadings and appearances could be cut in half. Problems could be dealt with before people and property suffered injury and justice could be speedily administered. For all of these reasons I ask you to amend HB 2309 and include Franklin County, and I ask you to favorably pass HB 2309 out of your committee.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John E. Taylor". The signature is written in black ink and is positioned above the typed name and title.

John E. Taylor, for the
Board of County Commissioners of
Franklin County Chairman



KANSAS
ASSOCIATION OF
COUNTIES

TESTIMONY

Before the House Federal and State Affairs Committee
February 21, 2005

By Judy A. Moler, General Counsel/Legislative Services Director

Thank you, Chairman Edmonds and Members of the Committee for allowing the Kansas Association of Counties to provide testimony on HB 2309.

The Kansas Association of Counties is in support of HB 2309. The KAC has introduced legislation in the past to extend the ability to all counties. Currently, the statute limits code courts to counties with a population of 150,000. The bill before you would expand the population limit to include Douglas County.

Currently, all the counties with a lower population than 150,000 enforce county codes through the already beleaguered district court. Cases involving murder, burglary and the like take priority in district court. Code cases fall to the bottom of the barrel in the docketing of cases. This bill is not extending to Douglas County any new powers for code enforcement... only a method to expedite hearings for those found in violation of county codes. While the KAC would like to see this afforded to all counties regardless of population, we strongly support HB 2309.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, education and technical services, and a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to Randy Allen or Judy Moler by calling (785) 272-2585.

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Topeka, KS 66603-3912
785•272•2585
Fax 785•272•3585

FEDERAL AND STATE AFFAIRS

Date 2-21-05
Attachment 3

TOM SLOAN
REPRESENTATIVE, 45TH DISTRICT
DOUGLAS COUNTY

STATE CAPITOL BUILDING
ROOM 446-N
TOPEKA, KANSAS 66612-1504
(785) 296-7677
1-800-432-3924

772 HWY 40
LAWRENCE, KANSAS 66049-4174
(785) 841-1526
sloan@house.state.ks.us



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
CHAIRMAN: HIGHER EDUCATION
MEMBER: UTILITIES
ENVIRONMENT
AGRICULTURAL & NATURAL
RESOURCES BUDGET
KANSAS WATER AUTHORITY

Testimony on HB 2309 - County Code Enforcement
Federal and State Affairs Committee
February 21, 2005

Mr. Chairman, Members of the Committee: Thank you for scheduling a hearing on HB 2309. Existing statutory language authorizes counties with populations greater than 150,000 to have a formal code enforcement process. HB 2309 is drafted to authorize only one additional county to establish such an enforcement mechanism - Douglas County.

A Douglas County official will testify in favor of the bill and explain why County Commissioners have requested this authorization. HB 2309 does not require formation of a code enforcement process, it merely provides authorization of such a process if county officials determine such action to be appropriate.

Costs for code enforcement under the existing statute are borne by the County. Nothing in HB 2309 shifts any costs to the State, all will be paid by the County.

Because this legislation is specific to the County requesting authorization, and no costs will be paid by the State, we respectfully request the Committee's support for HB 2309.

Tom Sloan
45th District

Tom Holland
10th District

Sincerely,

Paul Davis
46th District

Barbara Ballard
44th District

Anthony Brown
38th District

FEDERAL AND STATE AFFAIRS

Date 2-21-05
Attachment 4